

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

YARRELL REAL, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:25-cv-00176

THE STATE OF WEST VIRGINIA,

Defendants.

ORDER

Pending before the Court is plaintiffs Yarrell Real and Angelique Barnett's ("Plaintiffs") complaint against the State of West Virginia, David Kyle Moore, Richard T. Tatterson, and the West Virginia State Bar Association. (ECF No. 1.) By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 2.) Magistrate Judge Tinsley filed his PF&R on April 25, 2025, (ECF No. 4), recommending that this Court dismiss this action with prejudice pursuant to Federal Rules of Civil Procedure 41(b) for failure to prosecute. (*Id.* at 7.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need

not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.”

Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on May 12, 2025. (*See* ECF No. 4.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 4), and **DISMISSES WITH PREJUDICE** Plaintiffs’ Complaint and this Matter. The Clerk is **DIRECTED** to remove this case from the active docket of this Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 3, 2025



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE